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19 JUN 2007

In re Application of	:	
HARLEY, Calvin et al.	:	
Application No.: 10/562,410	:	DECISION
PCT No.: PCT/US04/20338	:	
Int. Filing Date: 24 June 2004	:	ON PETITION UNDER
Priority Date: 25 June 2003	:	
Docket No.: 38797-8007.US00	:	37 CFR 1.47(a)
For: COMPOSITIONS AND METHOD FOR	:	
SKIN CONDITIONING	:	

This is a decision on applicant's renewed Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 12 March 2007.

#### **BACKGROUND**

On 22 November 2006, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicant's petition without prejudice.

On 12 March 2007, applicants submitted a renewed petition under 37 CFR 1.47(a), which was accompanied by, *inter alia*, a declaration and the fee for a two month extension of time.

#### **DISCUSSION**

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1) and (3) were previously satisfied. (1) The petition fee of \$200 has been paid. (3) The petition lists the last known addresses of non-signing inventor David Miller-Martini as 409 Pine Street, Ridgway, PA 15833.

Item (2) has been satisfied. Applicants sent a complete copy of the application papers to Mr. Miller-Martini and to his counsel Gwendolyn Wood, but have not received a signed declaration.

Item (4) has been satisfied. The declarations of the inventors comply with 37 CFR 1.497(a)-(b) and 37 CFR 1.47(a).

**CONCLUSION**

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **12 March 2007**.



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